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General Assembly

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A/RES/47/141
1 March 1993

Forty-seventh session
Agenda item 97 (c)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/47/678/Add.2)]

47/141. Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-seventh sessionon the situation of human rights in Afghanistan, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the decision of the Commission,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992, 6/

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

Concerned that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, liberty, personal security and freedom of opinion, expression and association,

Concerned that neither the International Committee of the Red Cross nor the Special Rapporteur was able to visit prisoners who were associated with the former Government,

Welcoming the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

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5/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

6/ A/47/656, annex, appendix I.

Aware that peace and security in Afghanistan are prerequisites for the succesful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Welcoming the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan 7/ and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls upon all Afghan parties to respect human rights;

5. Urges all the Afghan parties to respect accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the

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7/ A/47/656, annex.

civilian population, to protect all prisoners from acts of reprisal and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to the Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the release, as soon as possible, of all prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 8/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

7. Requests that the International Committee of the Red Cross be given full access to all prisoners by the warring factions;

8. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 9/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected/convicted persons article 14, paragraphs 3 (d) and 5 to 7 of the International Covenant on Civil and Political Rights; 2/

9. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

10. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

11. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

12. Urges all Afghan parties to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

8/ United Nations, Treaty Series, vol. 75, No. 972.

9/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13. Urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

14. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

15. Decides to keep under consideration, during its forty-eighth session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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18 December 1992

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Forty-seventh session
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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/47/678/Add.2)]

47/142. The situation in the Sudan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ and the International Convention on the Elimination of All Forms of Racial Discrimination, 3/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Taking note of resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992, 4/ and recalling declaration AHG/Decl.1 (XXVI) adopted at the twenty-sixth ordinary session, held at Addis Ababa from 9 to 11 July 1990, 5/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ See A/47/558, annex II.

5/ See A/45/482, annex II.

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Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, 6/

Noting the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese nationals employed by foreign government relief organizations,

Deeply concerned that access by the civilian population to humanitarian assistance is being impeded, which poses a threat to human life and an offence to human dignity,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

Alarmed also by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

1. Expresses its deep concern at the serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

3. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy the rights recognized in those instruments;

6/ E/CN.4/1992/17 and E/CN.4/1992/30 and Corr.1.

4. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949, 7/ and the Additional Protocols thereto, of 1977 8/ to halt the use of weapons against the civilian population and to protect all civilians from violations, including arbitrary detention, ill-treatment, torture and summary execution;

5. Expresses its appreciation to the humanitarian organizations for their work in helping displaced persons and drought and conflict victims in the Sudan, and calls upon all parties to protect humanitarian relief workers;

6. Calls upon the Special Rapporteur on Summary or Arbitrary Executions to address the killing of Sudanese nationals employed by foreign government relief organizations;

7. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation of the killings of Sudanese nationals employed by foreign government relief organizations by the independent judicial inquiry commission, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

8. Calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the recent initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver humanitarian assistance to all persons in need;

9. Recommends that the serious human rights situation in the Sudan be monitored, and invites the Commission on Human Rights at its forty-ninth session to give urgent attention to the situation of human rights in the Sudan;

10. Decides to continue its consideration of this question at its forty-eighth session.

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7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/47/678/Add.2)]

47/143. Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7 of 11 October 1991 and 46/138 of 17 December 1991,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all, and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1992/77 of 5 March 1992 3/ in which the Commission decided to appoint a special rapporteur with a mandate to prepare a report on the situation of human rights in Haiti based on the information which the special rapporteur deemed

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

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relevant, especially information supplied by the Organization of American States, with a view to submitting an interim report to the General Assembly at its forty-seventh session and a report to the Commission on Human Rights at its forty-ninth session,

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and the violation of human rights,

Concerned also at the mass exodus of Haitian nationals from the country because of the deteriorating political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Welcoming the measures taken by the Secretary-General of the United Nations to express support for the Organization of American States, in particular through the participation of his Personal Representative in the mission of the Secretary-General of the Organization of American States that visited Haiti from 18 to 21 August 1992,

1. Commends the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, for his report on the situation of human rights in Haiti 4/ and supports the recommendations contained therein;

2. Once again condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, the use of violence and military coercion and the subsequent deterioration of the situation of human rights in Haiti;

3. Expresses its deep concern about the substantial worsening of the human rights situation in Haiti during the year 1992 and the resulting increase in violations of the human rights embodied in the International Covenant of Civil and Political Rights, 2/ the International Covenant of Economic, Social and Cultural Rights, 2/ the American Convention on Human Rights: "Pact of San José, Costa Rica" 5/ and other international human rights instruments;

4. Condemns the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular summary executions, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

4/ A/47/621, annex.

5/ United Nations, Treaty Series, vol. 1144, No. 17955.

5. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country not only, as pointed out by the Special Rapporteur in his report, because of the serious deterioration in economic and social conditions, but also because of indiscriminate political persecution and repression;

6. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue to give financial and material support to its efforts;

7. Calls upon the States Members of the United Nations and of other international organizations to increase their humanitarian assistance to the people of Haiti, to support all efforts to resolve the problems of displaced persons and to encourage the strengthening of institutional coordination among the specialized agencies and between the United Nations and the Organization of American States;

8. Decides to keep the situation of human rights and fundamental freedoms in Haiti under review during its forty-eighth session and to consider it further in the light of the information supplied by the Commission on Human Rights and the Economic and Social Council.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/47/678/Add.2)]

47/144. Situation in Myanmar

The General Assembly,

Recalling its resolution 46/132 of 17 December 1991,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that article 21, paragraph 3, of the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Taking note of Commission on Human Rights resolution 1992/58 of 3 March 1992, 3/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and lawyers, with a view to examining the situation of human

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No 2 (E/1992/22), chap. II, sect. A.

rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, and to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 4/ for the protection of victims of war, the release of a number of political prisoners, the lifting of the curfew, the revocation of certain martial laws and the reopening of the universities, in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued seriousness of the situation of human rights in Myanmar, including reports of torture and arbitrary execution, continued detention of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in massive flows of refugees to neighbouring countries,

Deeply concerned at the continuing problem of large numbers of refugees from Myanmar in neighbouring countries, including the almost 265,000 Myanmar Rohingya refugees in Bangladesh,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report 5/ and the recommendations contained therein;

2. Calls upon the Government of Myanmar to extend its full and unreserved cooperation to the Special Rapporteur and to ensure that he has free access to any person in Myanmar whom he deems it appropriate to meet for the conduct of his mandate;

3. Expresses its grave concern about the continued seriousness of the human rights situation in Myanmar;

4. Urges the Government of Myanmar to take all necessary steps towards the restoration of democracy, fully respecting the will of the people as expressed in the democratic elections held in 1990;

5. Also urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

4/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

5/ A/47/651, annex.

6. Further urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and the protection of the rights of persons belonging to ethnic and religious minorities;

7. Notes the release of a number of political leaders from detention;

8. Deeply regrets, however, that many political leaders are still deprived of their freedom and their fundamental rights;

9. Calls upon the Government of Myanmar to release unconditionally the Nobel Peace Laureate Aung San Suu Kyi, who is now in her fourth year of detention without trial, and other political leaders and remaining political prisoners;

10. Also calls upon the Government of Myanmar to respect fully the obligations under the Geneva Conventions of 12 August 1949, in particular the obligations under article 3 common to the Conventions and to make use of such services as may be offered by impartial humanitarian bodies;

11. Requests the Government of Myanmar to invite the presence of the International Committee of the Red Cross in Myanmar in order for it to carry out its humanitarian tasks;

12. Calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and to cooperate fully with the relevant United Nations organs on this matter;

13. Decides to continue its consideration of this question at its forty-eighth session.

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